

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RODRICK MAURICE BRAYBOY,
Petitioner,

v.

**COMMONWEALTH OF
PENNSYLVANIA,**
Respondent.

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CIVIL ACTION NO. 20-CV-2579

ORDER

AND NOW, this 1st day of June, 2021, upon consideration of Petitioner's Petition for a Writ of Habeas Corpus (Doc. No. 1), Amended Petition for a Writ of Habeas Corpus (Doc. No. 9), Second Amended Petition for a Writ of Habeas Corpus (Doc. No. 10), and the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski (Doc. No. 11), it is

ORDERED that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Second Amended Petition for a Writ of Habeas Corpus is **DENIED** and **DISMISSED WITHOUT PREJUDICE**; and
3. There is no basis to issue a certificate of appealability.

IT IS SO ORDERED.

BY THE COURT:

/s/ Karen Spencer Marston

KAREN SPENCER MARSTON, J.